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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,377	07/28/2001	Michael S. Allison	10018215-1	9960

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EXAMINER

HOMERE, JEAN RAYMOND

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,377

Applicant(s)

ALLISON ET AL.

Examiner

Jean R. Homere

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments filed 02/23/04 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaler, US. Patent No. 6,467,052.

As to claim 1, Kaler discloses the invention including a software architecture having a plurality of events thereon, wherein said events can be monitored and analyzed (col. 3, line 66- col. 4, line 12 et seq.) In particular, Kaler teaches the extraction of events from the software architecture to thereby separate said events according to fields, types and categories (col. 16, line 1- col. 17, line 25 et seq.) Kaler also teaches the transformation of events to or more text strings (col. 19, lines 13-22 et seq.)

As to claim 2, Kaler teaches a filter for filtering the events (col. 25, lines 8-20 et seq.)

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As to claims 4-5, Kaler teaches the use of telnet to extract events from the architecture (fig.1, items 51, 52, 54 et seq.)

As to claim 6, Kaler teaches a server form which events are extracted (col. 19, 18-21 et seq.)

As to claim 7, Kaler teaches the conversion of a binary representation into text string (col. 19, lines 13-22 et seq.)

As to claim 8, Kaler teaches the analysis of events converted into human interpretable statements associated with the ext strings (col. 19, lines 50-56 et seq.)

As to claim 9, Kaler teaches that the entities comprise a firmware, software, processors, power monitors, cabinet monitors and I/o (fig. 1, fig. 12 et seq.)

4. The limitations of claims 10-20 have already been discussed in the rejection of claims 1-2, 4-9 above. They are therefore rejected on the same grounds.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaler et al. (Kaler), US Patent No. 6,467,052, as applied to the rejection of claims 1-2, 6-20 above, in view of Applicant's admitted prior art in the background of the application, p. 1-2.

As to claim 3, Kaler does not particularly detail a chassis log for the extraction, separation and transformation of event from the architecture. However, Applicant's background of the invention discloses a prior art system architecture in figure 1, wherein a chassis log is taught to generate, extract, separate and transform events (pages 1-2 of Applicant's specification). It would have been obvious to one of ordinary skill in the art of data processing

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to combine the teachings of the cited references. The teaching of the admitted prior art would allow users of Kaler's system to expeditiously extract, separate and transform events through the use of chassis logs.

Remarks

First, Applicant argues that Kaler's teaching in column 16, line 1 through column 17, line 25 is not equivalent to the claimed step of extracting events from an electronic architecture. According to Applicant, even though Kaler teaches the step of extracting events from a software architecture to separate event based on fields, types and categories, it does not actually teach the separation of events based on entities. In response to applicant's arguments, the Examiner respectfully submits that the separation of events based on fields, types and categories as taught by Kaler is analogous to the claimed separation based on event entities since fields, types and categories can be construed as entities. Applicant also seems to rely on limitations buried in the specification to assert that the claimed event entities purport to event creators, which are not detailed in Kaler. In response to those arguments, the Examiner submits that the features upon which applicant relies (i.e., event creators) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Second, Applicant argues that Kaler does not teach the extraction of chassis log as recited in claim 3. In response to Applicant's arguments, the Examiner submits that the office action recognized that Kaler does not teach such limitation. Consequently, Kaler's teachings

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were combined with Applicant's admitted prior art to reject such limitation. Consequently, the prima facie case of obviousness was properly established. In light of the foregoing remarks, the 102 and 103 rejections are hereby sustained.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean R. Homere whose telephone number is (703)-308-6647. The examiner can normally be reached on Monday-Friday from 09:30 a.m.-6:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breen, can be reached on Monday-Friday from 8:00 a.m. to 3:30 p.m. at (703)-305-9790.

Any response to this action should be mailed to: Commissioner of Patents and Trademarks
Washington, D.C. 20231, **or faxed to:** (703) 872-9306. Hand-delivered responses should be
brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to
the Group receptionist whose telephone number is (703) 305-3900.

Jean R. Homere
Jean R. Homere
Primary Examiner, A.U. 2177
April 22, 2004